

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

NRC ENVIRONMENTAL SERVICES,  
INC., a Washington Corporation,

Plaintiff,

No. 3:19-cv-01133-JR

ORDER

v.

BARNARDS HOLDINGS, INC., fka  
WATER TRUCK SERVICE, INC., an  
Oregon corporation, and BOB JONAS, an  
Individual domiciled in Oregon,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge Russo issued a Findings and Recommendation on April 19, 2021, in which she recommends that this Court grant in part and deny in part the parties' motions for summary judgment. F&R, ECF 78. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Defendants filed timely objections to the Magistrate Judge's Findings and Recommendation. Defs. Obj., ECF 80. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

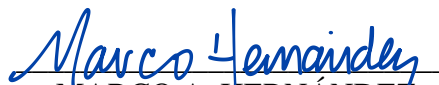
The Court has carefully considered Defendants' objections and concludes that there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

### CONCLUSION

The Court ADOPTS Magistrate Judge Russo's Findings and Recommendation [78]. Defendants' Amended Motion for Summary Judgment [57] is granted as to Plaintiff's breach of contract claims under Sections 2.8 and 2.13 of the APA as they relate to the Clutter Facility and as to Plaintiff's negligent misrepresentation claim. The motion is otherwise denied. Plaintiff's first Motion for Summary Judgment [59] is granted as to the Clutter Facility's unpermitted development and wastewater pretreatment operations and denied as to the Clutter Facility's street sweeping operations. Plaintiff's second Motion for Summary Judgment [61] is denied.

IT IS SO ORDERED.

DATED: February 14, 2022.

  
MARCO A. HERNÁNDEZ  
United States District Judge